

## **REMARKS**

Applicant requests reconsideration of the application.

### **Claim Objections**

Claim 163 is objected to because of the following informalities:

In claim 163, on (ln.2) "From" should be deleted. Appropriate correction is required.

### **Applicant's Response**

Appropriate correction has been made.

### **Claim Rejection - 35 USC 112**

Claims 177-178 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 177 is confusing with respect to lines 5-6, in that it is not clear if a result is transmitted as well as the caller identification data or if the identification data is transmitted following the comparison, use of a comma after comparison may clear up the confusion in this respect if the second possibility is the definite intent of the claim limitation.

### **Applicant's Response**

Appropriate correction has been made.

### **Claim Rejections - 35 USC 102**

Claims 157-161, 164-165, 175 and 186-188 are rejected under 35 USC 102(b) as being clearly anticipated by Baehr et al (4,921, 216).

Baehr clearly teaches (col. 2, ln 58 - col.3, ln 26; col.4, ln. 7-12) to communicate information of the calling party to the called party using telephone network, a telephone answering apparatus, and paging network wherein a called party is provided a pager in a paging network and which is used to receive caller identification information suggested as being automatically received via col.4, ln. 7-12, for transmission to the pager through the telephone network and pager network to the pager from the telephone answering apparatus.

### **Applicant's Response**

Applicant in independent claim 157 claims in part “. . . receiving shift keyed data comprising caller identification data supplied by said telephone network at the message center; . . .” This feature is neither taught nor suggested by the Baehr reference. Baehr teaches that the caller information must be provided manually or verbally by the caller and not by the telephone network as claimed above. Reference may be made to column 2 line 58 through column 3 line 19 which states: “In the operation mode, a person desiring to contact the owner calls the owner's telephone number on a conventional telephone line, which may be a wire line or a radio line or any other form of communication link. The system of the invention automatically answers the call and transmits a voice outgoing message to the caller, typically including a greeting and instructions to the caller for

leaving a message. The caller may respond digitally by using a touch tone keypad, and typically leaves his or her telephone call back number and a code number or word indicating the nature of the call. By way of example, the outgoing message to the caller may include a severity code of one to nine for a party calling a doctor, with the severity code numbers including word descriptions of the condition being reported by the caller. The caller's incoming message is stored, the caller hangs up, and the system is ready for receiving another call.

In the case of the caller not having a DTMF equipped telephone, the device may recognize an absence of DTMF signals within a specified period of time and prompt the user for a voice message only. This message may be recorded on a built in tape recording mechanism, and subsequently the owner can be notified by paging to call his device. Entry of an access DTMF digit sequence, presented as part of the standard answering sequence, will enter the external control menu, allowing the owner to remotely retrieve said messages.”

Thus claim 157 is not anticipated by the Baehr reference.

### **Claim Objection**

Claims 162-163, 166-174, 176-185 and 189 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Applicant's Response**

Applicant has amended claim 157 to modify the step of “....receiving **shift keyed data comprising** caller identification data supplied by said telephone network at the message center;...”. This additional modification to claim 157 was done to minimize the issues in this case. Applicant believes that the above argument distinguished his claims over the Baehr reference even prior to the making of the modification to the above quoted step as shown by the bold lettering.

With the amendment to claim 157 claims 162-163, 166-174, 176-185 and 189 now depend from an allowable claim and thus are no longer objectionable.



### Conclusion

Applicant has amended the claims for clarity. Additionally, claims 190 and 191 provide further definition of Applicant's invention and should be allowed for at least the same reasons as claim 157, to which they depend.

The claims in condition for allowance, this action is requested.

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### Additional IDS

Additionally, Applicant is filing, herewith 2 additional IDSs.

The first is a 2 page IDS that was approved in the parent case, application 08/177,851, now US Patent 6,278,862, from which this application claims priority. Both the Examiner Initialed copy and a clean form copy (for the present Examiners initials) are included.

The second is a 5 page IDS with references to the current invention.

Respectfully submitted,

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